THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13754 of 1997

Dated : 03.08.2007

Between:

Kakuturu Gram Panchayat, rep., by its Sarpanch B.Seenaiah.

..... PETITIONER

And:

The District Collector, Nellore, Nellore District and others.

.....RESPONDENTS

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ORDER:

Kakuturu Gram Panchayat, represented by its Sarpanch, filed the instant writ petition seeking a direction to the first respondent to recover layout fee of Rs.86,684/-, due to Kakuturu Gram Panchayat by the third respondent under the provisions of A.P. Revenue Recovery Act.

It is the case of the petitioner that the third respondent herein laid unauthorized layouts in Sy.Nos.119 to 124 and its parts under Kothacheruvu Ayacut, Kakutur village, to an extent of Acs.107.07 cents and alienating house plots to third parties without remitting the layout fee to the petitioner-Gram Panchayat. In that regard, the Regional Vigilance and Enforcement Officer, Nellore, made detailed enquiries and

addressed a letter to the District Panchayat Officer. Pursuant thereto, the District Panchayat Officer, Nellore instructed the Gram Panchayats concerned to issue notices to the concerned owners for recovery of layout fee due to Gram Pahchayats. In that view of the matter, petitioner issued a notice dated 19.04.1997 to the third respondent requesting to remit the layout fee of Rs.86,684/- due to the Gram Panchayat, but in vain. Thereafter, petitioner approached the Mandal Revenue Officer, Venkatachalam, and the first respondent to recover the layout fee from the third respondent. Complaining that no action has been taken by the said authorities, this writ petition is filed.

The second respondent filed a counter-affidavit stating that if any layout fee is due to the petitioner-Gram panchayat by the third respondent, it has to refer the matter to the Revenue Authorities under the Revenue Recovery Act and the second respondent is not concerned with the same.

Though notices are served on the third respondent, the third respondent has not chosen to file any counter.

As the third respondent has not filed any counter controverting the contention of the petitioner, this Court is left with no other option but to accept the contention of the petitioner that the third respondent, without paying the layout fee of Rs.86,684/- due to the Gram Panchayat, has been selling the plots. However, as the representation made by the petitioner-Gram Panchayat is pending with the first respondent, the first respondent is hereby directed to pass appropriate orders on the representation of the petitioner dated 20.06.1997.

Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

sh 03.08.2007